

**MINUTES OF THE REGULAR MEETING OF THE
BOARD OF PUBLIC WORKS AND SAFETY OF THE CITY OF JASPER
DECEMBER 23, 2008**

The Board of Public Works and Safety of the City of Jasper, Indiana, met in regular session on Tuesday, December 23, 2008, in the Council Chambers of City Hall located at 610 Main Street.

CALL TO ORDER

Presiding Officer Mayor William J. Schmitt called the meeting to order at 8:00 a.m.

ROLL CALL

Mayor William J. Schmitt	Present
Board member Thomas R. Schmidt	Present
Board member Ambrose "Butch" Schitter	Present

Also present were Police Chief Douglas Tarvin, Street Commissioner Raymond Eckerle, City Engineer Chad Hurm, Building Commissioner David Seger, Personnel/Safety Director Charles Schneider, Fire Chief Kenneth Hochgesang, City Attorney Sandra Hemmerlein, and Clerk-Treasurer Juanita S. Boehm.

Clerk-Treasurer Juanita Boehm announced that in order to have a quorum for the meeting, a majority of the board members must be present. All board members were present; therefore, there was a quorum for the meeting.

PLEDGE OF ALLEGIANCE

Mayor Schmitt invited all those present to join him in reciting the Pledge of Allegiance

APPROVAL OF THE MINUTES

The board members examined the minutes of the regular meeting held on December 9, 2008. A **motion** was made by Ambrose "Butch" Schitter and seconded by Thomas Schmidt to approve the minutes as published. Motion carried 3-0.

LUCKY RIDERS MOTORCYCLE RIDING CLUB

Don Brown, president of a motorcycle riding club called Lucky Riders along with Glen Landstrom, asked permission to use Dave Buehler Plaza on May 2, 2009 with May 16, 2009 as the rain date from 9:00 a.m. to 4:00 p.m. to host their first annual bike show. Brown then explained what is the organization and its purpose. Brown stated this type of event would follow similar guidelines as that for a car show with food and non alcoholic beverage drinks available. Fire Chief Kenneth Hochgesang explained when the organization does or does not need to get an entertainment permit from the state fire marshal. City Attorney Sandra Hemmerlein stated that since such a permit does not come from the City they need to contact the state fire marshal so the state is the one who determines whether or not a permit is needed. So the City has liability coverage, Hemmerlein questioned whether the organization needs to provide a certificate of insurance or do the bike entrants need to sign a waiver. Landstrom responded that at St. Anthony's event the participants had to sign a waiver. Lois Kuntz asked Brown if they wanted to reserve any shelter houses. Brown said they want to reserve everything they can in case it is a good turnout.

Mayor Schmitt said since both dates are open he **motioned** to approve in general concept because a lot of details need to be worked out the request of Lucky Riders to use the Dave Buehler Plaza area on May 2, 2009 with May 16, 2009 as the rain date and no alcohol allowed. Thomas Schmidt seconded the motion. Under discussion, Mayor Schmitt said since they are not a bona fide organization, Brown needs to work with the police, fire, personnel/safety, and legal departments to work out who other than the City has liability responsibility. After all the details are worked out, Brown needs to come back before this Board the first meeting in April. Mayor Schmitt then called for the vote. The motion carried 3-0.

STREET DEPARTMENT REPORTS

Asphalt contractor. Street Commissioner Raymond Eckerle reported he received a notice from the asphalt supplier J.H. Rudolph of a decrease in price for surface asphalt. He then gave a few examples of how the prices varied this year.

Icy Roads. Street Commissioner Eckerle reported that 10 tons of salt were used when they sprayed the streets last week before the ice storm. If the City had used the traditional method they probably would have used 100 tons so spraying saved the City a lot of money. Ambrose “Butch” Schitter asked if there is any salt available on the market. Eckerle said some can be found but the prices are way up there.

LIGHTWEIGHT ALUMINUM SHORING EQUIPMENT

At the last meeting, quotes for shoring equipment were taken under advisement and the street commissioner was to report back with a recommendation at the next meeting.

Eckerle said the low quote for a GME unit submitted by Accurate Laser Systems did not meet the specifications. Eckerle showed photos of the different units and said the GME unit would require a backhoe to maneuver it into place, thus not meeting the specifications that emphasized 'lightweight'. He then recommended accepting the most responsive quote submitted by Trench Shore Services from Pittsburgh, PA.

A **motion** was made by Mayor Schmitt and seconded by Ambrose “Butch” Schitter to approve the quote from Trench Shoring Services for \$19,754.00. Motion carried 3-0.

SHORING TRAILER

At the last meeting, only one quote was received for a shoring trailer and that quote was taken under advisement.

Street Commissioner Raymond Eckerle said the quote from Hopf Equipment met the specifications therefore he recommended accepting that quote.

A **motion** was made by Mayor Schmitt and seconded by Thomas Schmidt to approve the quote from Hopf Equipment for \$4,917.00. Motion carried 3-0.

OFFICIAL HIRE DATE FOR VOLUNTARY FIREFIGHTERS

Personnel/Safety Director Charles Schneider reported that a few days ago he, Mayor Schmitt, Clerk-Treasurer Boehm, and Fire Chief Hochgesang met to determine the official hire date for each fire fighter. Schneider asked the Board to approve the list of names and hire dates as the official hire date for each firefighter and include the listing as part of the minutes.

Mayor Schmitt said the reason the City wants to clarify the hire dates is because in the past hiring was done through the fire department whereby the firefighters voted on new members at a fire department meeting and then the fire chief would bring the members voted on to the next Board of Public Works and Safety meeting for the Board's approval. Sometimes the date one was voted on was used and sometimes the Board approved date was used for the hire date. Sets of records from the fire department and the Board of Public Works and Safety were all gone through to determine an official hire date for each firefighter. The firefighters are aware of this situation and possible hiring date change. Schmitt said it was also noted on the list of official hire dates that two firefighters had previously left the department and then returned at a later year. This time served could affect their vested time towards retirement.

A **motion** was made by Mayor Schmitt and seconded by Ambrose "Butch" Schitter to accept the signed and dated "Exhibit A" as the official hire date record of the members of the Jasper Volunteer Fire Department. Motion carried 3-0.

FEMA REIMBURSEMENT

Personnel/Safety Director Charles Schneider presented the following report that contained the totals that were sent to FEMA for reimbursement:

Regular Labor - \$52,077.00

Street Department - \$39,790.00

Electric Department - \$2,951.00

Park Department - \$9,336.00

Overtime Labor - \$10,028.00

Street Department - \$6,251.00

Electric Department - \$3,813.00

Equipment - \$69,425.00

Street Department - \$60,723.00

Electric Department - \$4,532.00

Park Department - \$4,170.00

Contract Services - \$1,353.00

Wastewater Department

Administrative Costs - \$1,785.00

Total project costs - \$134,668.00 x 75% FEMA allowance = \$101,001.00.

Total requested reimbursement is \$101,001.00.

RELEASE PERFORMANCE BOND

Building Commissioner David Seger reported that the subdivision known as Cloverleaf Park that is located at County Road 400N and U.S. 231 was never developed because of the lack of sewer. The developer, Meyer Distributing Inc, filed and recorded a Declaration of Vacation of Plat for Cloverleaf Park. Seger asked permission to release the subdivision performance bond and return the surety which is a deed for land in Martin County. A copy of the plat vacation will also be attached to the City's copy of the plat.

A **motion** was made by Mayor Schmitt and seconded by Ambrose ‘Butch’ Schitter to release the performance bond for Cloverleaf Park and return the deed that was held for surety. Motion carried 3-0.

CHANGE ORDER #1

BADENDORF STORM SEWER REPLACEMENT PROJECT PHASE II

City Engineer Chad Hurm presented Change Order No. 1 for the Badendorf Storm Sewer Replacement Project-Phase II for an add of \$20,124.02. Hurm said in one section they found some old footers from when the apartment building was built therefore some modifications had to be made due to bad soil.

The original contract amount is \$52,675.00. Hurm said most of the contract adjustments were due to circumstances that were unforeseen. The statute says change orders that increase the scope of the project may not exceed twenty percent. Hurm was instructed to breakdown the extra charges to show what was due to unforeseen circumstances and what increased the scope of the project.

A **motion** was made by Mayor Schmitt and seconded by Ambrose “Butch” Schitter to approve Change Order No. 1 for the Badendorf Storm Sewer Replacement Project Phase II for an additional \$20,124.02 with documentation that a majority of the circumstances could not have been reasonably foreseen and the cost for additional curb and gutter is not over twenty percent of the bid price. Motion carried 3-0.

WALKING PATH

Regarding the walking path project, City Engineer Chad Hurm said he did a pre-final walk through with the contractor, engineer, and the State and there are some minor items that need to be fixed. Thomas Schmidt said he is hearing public comments that this is the path to nowhere. He asked why the path was not started at Schuetter Road. Mayor Schmitt said they had to negotiate right of way with the property owners and when the green space specifications were changed from three feet to five feet, a property owner did not agree. Schmitt said the City may build that portion of the path with our own money instead of federal grant money.

FIRE DEPARTMENT FUEL REPORT

Fire Chief Kenneth Hochgesang presented the department’s fuel reports from July through November 2008. He said the information is based on the fact that some trucks do not need to be fueled every week. Mayor Schmitt asked Hochgesang to add a column to that report that contains the maintenance on the trucks. Hochgesang then explained the pedal problems they are still having with Truck #5. Thomas Schmidt asked if there was documentation of repairs done on each truck. Hochgesang said each truck has documentation that includes what the complaint is, what repair was done, and the cost to make the repair. All equipment has to be certified annually and it is.

ASSISTANT POLICE CHIEF APPOINTMENT

Mayor Schmitt announced the appointment of Sergeant Nathan J. Schmitt of the Jasper Police Department to the position of Assistant Police Chief. This appointment will take effect on January 1, 2009. The Mayor said Nathan joined the Jasper Police Department in November 2001 after having served on the Lafayette Police Department for six years. In July 2006, Nathan was promoted to Sergeant.

JASPER WOOD PRODUCTS

Police Chief Douglas Tarvin distributed copies of an article that appeared in the Herald on December 17, 2008 that reported three arrests had been made in regards to the theft of copper at the vacant Jasper Wood Products building. Since arrests have been made, Tarvin asked if a meeting between the City and the County could be arranged to discuss how to get that property back onto the tax roles.

Mayor Schmitt asked where the money goes if there is any recovery or restitution. He said the City should ask for some for the time the street department cleaned up the area. Tarvin said the case has been taken to the prosecutor's office to determine restitution. Schmitt said this board should go on record and have the city attorney prepare a letter that says the City has filed liens for the costs to upkeep the property and restitution should go to pay those bills first.

Street Commissioner Raymond Eckerle said the roof collapsed on a 10 x 10 outbuilding and asked permission to clean it up.

Chief Tarvin stated that Detective Jeff Young put in a lot of hours and did extensive work on the case. He had other assistance whereby he gained a lot of information about the people who had the stolen stuff. A letter of appreciation was sent to the Mayor and the Police Chief of Washington. Mayor Schmitt said Det. Young should be commended.

POLICE DEPARTMENT REPORTS

1302 Green Street property. Police Chief Tarvin said the property at 1302 Green Street is in foreclosure and the neighbors have complained about the accumulation of trash that is unbelievable and needs to be cleaned up. The police have spoken with the owner, Trent Carrie and he is aware of the situation. Tarvin says he foresees the trash being a problem if the owner does not clean it up. The mortgage company needs to be notified. City Attorney Sandra Hemmerlein said not to have anyone clean the area without notifying her first.

Riverside Dr. Mayor Schmitt asked if the issue at Riverside Dr. was taken care of, and it has.

LPCE exercise. Police Chief Tarvin said on December 17, 2008 the LPCE had a tornado simulation tabletop exercise. The exercise was held in the Pfaffenweiler Room at City Hall and it went well.

Networking luncheon. Tarvin said there was a networking luncheon on December 17th for southwestern Indiana police chiefs and sheriffs. They discussed such things as costs for training, keeping training in southwestern Indiana, the economy and its impact law enforcement.

Vehicle issues. Police Chief Tarvin said thanks to Chris Uebelhor with Uebelhor and Sons, they are standing behind their product and replacing five steering wheels with air bags on the Chevy Impalas.

Substance Abuse Grant Funding. Police Chief Douglas Tarvin said the Dubois County Substance Abuse Council approved two grants he applied for totaling \$2,566.24. The funds will be used for a radar unit and towards the phone line and maintenance fees on a Data Master breathalyzer.

Officer assistance. Police Chief Tarvin reported that recently on a cold day some school buses broke down and offices worked diligently transferring the students from one bus to another very quickly and in an orderly manner.

FOUR RIVERS RESOURCE, INC - RIDE SOLUTIONS CONTRACT

City Attorney Sandra Hemmerlein reported that it is time to renew the agreement with Four Rivers Resource Services, Inc-Ride Solutions. The program has been in effect for one year and they are happy with how things are going in Dubois County and the use of the OATS van. The van is used from 9:00 a.m. until 3:00 p.m. They asked the Park Board to add additional hours so the van would run from 6:00 a.m. to 6:00 p.m. because that is the busiest time. Hemmerlein asked the Board to enter into an agreement from January 1, 2009 through December 31, 2009.

Mayor Schmitt said he thinks the City should consider extending the hours the van operates.

A **motion** was made by Mayor Schmitt and seconded by Ambrose 'Butch' Schitter to enter into another year's contract with Four Rivers Resource Services, Inc.-Ride Solutions. Motion carried 3-0.

EASEMENTS

City Attorney Sandra Hemmerlein presented the following easements for acceptance and approval:

Grant of Permanent Electric Utility Easements

Josh L. Lemen and Brandy L. Merkley--Part of Lot 16 in Wind Song Estates Addition
Robert A. Durcholz and Mary Jane Durcholz-- Part of Lot 9 and 15 in Wind Song Estates Addition.

A **motion** was made by Mayor Schmitt and seconded by Thomas Schmidt to approve and accept the easements as described by the City Attorney. Motion carried 3-0.

CLAIMS. Claims against the City from December 5, 2008 to December 23, 2008 were presented to and examined by the board. Those claims found to be just, due and owing were approved 3-0 upon motion by Thomas Schmidt and seconded by Ambrose 'Butch' Schitter.

WISHES. Ambrose 'Butch' Schitter wished everyone a Merry Christmas and thanked all the City employees for the good effort put forth this past year.

ADJOURNMENT. There being no further business to come before the board, a motion was made by Ambrose 'Butch' Schitter and seconded by Thomas Schmidt to adjourn the meeting. The motion carried 3-0 and the meeting adjourned at 9:50 a.m.

The minutes were hereby approved _____ with X without corrections or clarification this 13th day of January, 2009.

Mayor William J. Schmitt

Presiding Officer

Attest:

Juanita S. Boehm, Clerk-Treasurer

Margaret A. Kress, recording Secretary